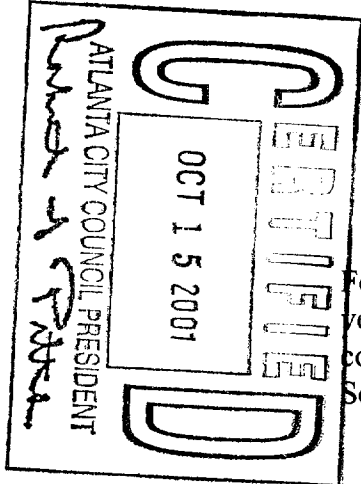


Entered -04-10-00 - sb  
CL 00L0206 - GWENDOLYN BURNS

CLAIM OF:

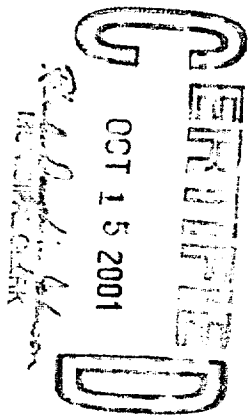
01- -1634

**RICKY BARBER**  
through his attorney,  
**Stephen D. Apolinsky, Esq.**  
**EASTMAN & APOLINSKY**  
The Watkins Building  
114 East Ponce de Leon Avenue  
Decatur, Georgia 30030



For bodily injuries alleged to have been sustained when the vehicle in which he traveled in was driven over a sanitary sewer construction site that was not properly covered in the roadway on September 25, 1999 at 934 Custer Avenue, SE.

THIS ADVERSED REPORT IS  
APPROVED



BY: Robert N. Godfrey  
ROBERT N. GODFREY  
DEPUTY CITY ATTORNEY

ADVERSED OCT 15 2001

**ADVERSE REPORT**

DATE OCT 09 2001  
BY C. T. Mackin  
Clara Thomas  
Woot



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

October 25, 2001

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

Stephen D. Apolinsky  
Attorney at Law  
114 East Ponce de Leon Ave.  
The Watkin Building  
Decatur, Georgia 30030

01-R-01634

RE: Ricky Barber

Dear Attorney Apolinsky:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on October 15, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 00L0206

Date: September 25, 2001

Claimant /Victim **RICKY BARBER**  
BY: (Atty) (Ins. Co.) Stephen D. Apolinsky, Esq., EASTMAN & APOLINSKY  
Address: The Watkins Building, 114 East Ponce de Leon Avenue, Decatur, Georgia 30030  
Subrogation: Claim for Property damage \$ Bodily Injury \$ 16,881.00  
Date of Notice: 4/3/00 Method: Written, Proper X Improper         
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 9/25/99 Place: 934 Custer Avenue  
Department PUBLIC WORKS Bureau:        Division Sewer Operations  
Employee involved        Disciplinary Action:       

NATURE OF CLAIM: Claimant alleges that he sustained bodily injuries when the vehicle in which he traveled in was driven over a metal plate that was partially covering a sanitary sewer construction site in the roadway. However, the claimant has filed a lawsuit to resolve the issues of this claim.

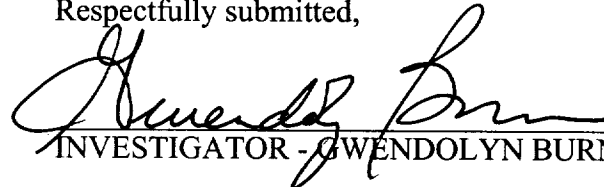
**INVESTIGATION:**

Statements: City employee X Claimant        Others        Written        Oral X  
Pictures        Diagrams        Reports: Police        Dept Report        Other         
Traffic citations issued: City Driver        Claimant Driver         
Citation disposition: City Driver        Claimant Driver       

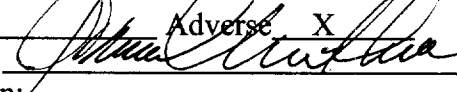
**BASIS OF RECOMMENDATION:**

Function: Governmental        Ministerial X  
Improper Notice        More than Six Months        Other        Damages reasonable         
City not involved        Offer rejected        Compromise settlement         
Repair/replacement by Ins. Co.        Repair/replacement by City Forces         
Claimant Negligent        City Negligent X Joint        Claim Abandoned       

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

**RECOMMENDATION:**

Pay \$        Adverse X Account charged: 1A01        2J01        2H01         
Claims Manager:  Concur/date 09-26-01  
Committee Action:        Council Action

RCS# 3186  
10/15/01  
3:51 PM

Atlanta City Council

Regular Session

MULTIPLE  
01-R-1634

Unfavorable Claims; Items #6-#23,  
#26 & #27  
ADVERSE

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 4  
EXCUSED: 0  
ABSENT 0

Y McCarty	Y Dorsey	Y Moore	NV Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	NV Morris	Y Maddox	Y Alexander
NV Winslow	Y Muller	Y Boazman	NV Pitts

CORRECTED COPY

MULTIPLE